

031004



16152 U.S. PTO

ATTORNEY DOCKET N°:  
EXPRESS MAIL LABEL N°:DEL 03-6-2  
EV 380 207 101 US

PATENT

17302 U.S. PTO  
10/797486

031004

**NONPROVISIONAL PATENT APPLICATION TRANSMITTAL LETTER**MAIL STOP PATENT APPLICATION  
COMMISSIONER FOR PATENTS  
P.O. BOX 1450  
ALEXANDRIA, VA 22313-1450

Transmitted herewith for filing is the patent application of:

INVENTOR:	Matthew A. Smith 162 Weatheridge Drive Jackson, TN 38305 Citizen of United States	David V. Keller 96 Willowridge Circle Jackson, TN 38305 Citizen of United States
	Jaime E. Garcia 143 Brookstone Place Jackson, TN 38305 Citizen of United States	Jeffrey D. Weston 529 Gettysburg Drive Jackson, TN 38305 Citizen of United States

Title: **Optical Proximity Device for Power Tools**

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**CERTIFICATION UNDER 37 C.F.R. §1.10**

I hereby certify that this Nonprovisional Patent Application Transmittal and the documents referred to as enclosed therein are being deposited with the United States Postal Service on this date, March 10, 2004 in an envelope as "Express Mail Post Office to Addressee", Mailing Label N° EV 380 207 101 US, with sufficient postage, addressed to: MS Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

ReNea D. Berggren

DATED: March 10, 2004

**1. Type of Application**

This is a Nonprovisional Application.

**2. Benefit of Prior U.S. Application(s) (35 U.S.C. § 119(e) )**

<u>USPSN</u>	<u>Filing Date</u>	<u>Inventor(s)</u>	<u>Status</u>
60/453,299	3/10/2003	Smith, et al.	Pending

**3. Papers Enclosed That Are Required for Filing Date under 37 C.F.R. §1.53(b) (Regular) or 37 C.F.R. §1.153 (Design) Application**

Eleven (11) Pages of Specification;  
Nine (9) Pages of Claims;  
One (1) Page of Abstract; and  
Seven (7) Sheets of Drawing Figures.

**4. Additional Papers Enclosed**

Request and Certification Under 35 U.S.C. 122(b)(2)(B)(i) is attached.

**5. Declaration or Oath**

Unsigned Declaration and Power of Attorney is attached.

**6. Inventorship Statement**

The inventorship for all the claims in this application are the same.

**7. Language**

English.

**8. Assignment**

None.

**9. Certified Copy**

None are required.

**10. Fee Calculation (37 C.F.R. §1.16)**

**BASIC FEE**

Standard Fee	\$770.00	\$770.00
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**EXCESS CLAIM FEE**

TOTAL OVER TWENTY	50	-20	0	30	\$18.00	\$540.00
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INDEPENDENT OVER THREE	5	-3	0	2	\$86.00	\$172.00
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MULTIPLE DEPENDENT					\$290.00	\$0.00
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ASSIGNMENT RECORDATION FEE					\$40.00	\$0.00
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<b>TOTAL FILING FEES</b>						<b><u>\$1,482.00</u></b>
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11. **Small Entity Status**-Applicant **does not** request small entity status under 37 C.F.R. § 1.27.
12. **Request for International - Type Search (37 C.F.R. §1.104(d))**  
None required.
13. **Authorization to Charge Fees**

**NO FILING FEE IS BEING MADE AT THIS TIME.**

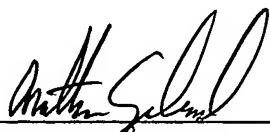
This and the Surcharge Required by 37 C.F.R. §1.16(e) May Be Paid Subsequently.

Please direct all correspondence and telephone calls to:

**CUSTOMER NO. 23531**  
SEAN PATRICK SUITER  
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14301 FNB PARKWAY, SUITE 220  
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(402) 496-0300 (TELEPHONE)  
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DATED: March 10, 2004.

Respectfully submitted,  
Matthew A. Smith et al.,

By   
\_\_\_\_\_  
Nathan T. Grebasch  
Reg. N<sup>o</sup> 48,600

**This Transmittal Ends With This Page.**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

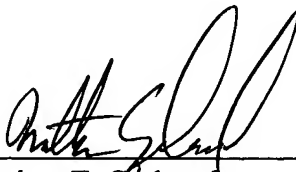
In re Application of : Matthew A. Smith  
Express Mail N<sup>o</sup> : EV 380 207 101 US  
Filed : March 10, 2004  
For : **Optical Proximity Device for Power Tools**

Mail Stop Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**REQUEST AND CERTIFICATION  
UNDER 35 U.S.C. 122(b)(2)(B)(i)**

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. 122(b).

Dated: March 10, 2004

  
\_\_\_\_\_  
Nathan T. Grebasch  
Reg. N<sup>o</sup> 48,600  
CUSTOMER NO. 23531

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**